

REMARKS

Claims 16-24 and 26-29 are currently amended. Claims 25 and 30-32 remain unchanged.

Claims 1-15 remain cancelled.

The specification has been amended for clarity reasons. The Applicant respectfully submits that no new matter has been added to the application through these amendments.

Reconsideration of the Examiner's rejection is respectfully requested in view of the following discussion.

The Examiner had rejected claims 16-18, 20, 21, 27 and 30-32 in view of AT Patent No. 401,868, hereinafter referred to as Lanz. The Examiner had also rejected claims 24 and 26 as being anticipated by US Patent 5,188,356, hereinafter Furr. Furthermore, the Examiner had rejected claims 19, 22 and 25 as being obvious in view of Lanz or Furr. Finally, the Examiner had rejected claims 28-39 as being unpatentable over Lanz in view of Furr.

Amended claim 16 now contains the following limitations:

16. A thumb splint for limiting angular motion of a thumb, (...), said thumb splint comprising:

- a first loop, said first loop being formed by folding said strap first end portion onto said strap intermediate portion so that said strap first end portion and said strap intermediate portion are **substantially parallel** relative to each other and affixing said first strap end portion to said strap intermediate portion at a first loop attachment location, said first loop being dimensioned to accommodate a user's thumb near the base thereof;

- a second loop formed in said strap a predetermined distance from said first loop, said second loop being formed by folding said strap second end portion substantially transversely over and onto said strap intermediate portion and affixing said strap second end portion to said strap intermediate portion at a second loop attachment location, said second loop being dimensioned to accommodate a user's index finger;
- **wherein said first loop attachment location is located outside of said second loop.**

The device described in Furr does not include two loops. Also, the devices shown in Lanz either include loops formed by affixing both ends of a strap to the strap so that the portions forming the loops are either parallel to the rest of the strap (Figure 1) or both perpendicular to the rest of the strap (Figure 3). This is contrary to the claimed invention wherein a first loop is formed by affixing a strap end portion substantially parallel to a strap intermediate portion and a second loop is formed by affixing another strap end portion substantially transversely to the strap intermediate portion.

In addition, the Applicant respectfully submits that the claimed invention is not obvious in view of Furr as Furr does not teach nor suggest a thumb splint having two loops. To the contrary, Furr teaches away from the claimed invention as the device disclosed in Furr engages a finger to maintain in a totally different manner than in the claimed invention. Also, the Applicant respectfully submits that the inclusion of loops formed in two different manners in a single claimed invention is not obvious in view of Lanz. Indeed, the use of two loops formed by intersecting a strap transversely, as in Figure 3, is required by Lanz because of the specific manner of affixing the device to the wrist. Modifying this device so that one loop is formed by folding the strap parallel to itself would greatly reduce the effectiveness of the device disclosed in Lanz as the device would then be relatively free to move relative to the hand and fingers of a user. This would result in a greatly reduced protection against injury provided by the device of Lanz.

Amended claim 21, 24 and 27 contain limitations similar to the above-mentioned limitations, which the Applicant submits are neither taught nor suggested by Lanz and Furr, either alone or in combination. In addition, in opposition to the invention disclosed in Lanz, Figure 3, Claims 24 and 27 mention that the two claimed loops are disjoint from each other. In Lanz, Figure 3, the two loops intersect each other, which is required by the manner in which the device illustrated in this Figure is secured to the wrist of a wearer. Therefore, Lanz teaches away from this limitation of claims 24 and 27.

In view of the above, the Applicant respectfully requests that the rejection of claims 16, 21, 24 and 27 be withdrawn. In addition, claims 17-20, 22, 23, 25, 26 and 28-32 depend either directly or indirectly from one of claims 16, 21, 24 and 27, which the Applicant believes are in condition for allowance. Accordingly, claims 17-20, 22, 23, 25, 26 and 28-32 include all the limitations of the base claims from which they depend and the Applicant respectfully submits that these claims are therefore also in condition for allowance. Consequently, the Applicant respectfully requests that the Examiner's rejection of claims 17-20, 22, 23, 25, 26 and 28-32 be withdrawn.

The Examiner has also rejected claims 16 and 19 under the doctrine of double patenting over claims 1 and 2 of US Patent 6,738,507. Amended claim 16 does not include a limitation directed to the fact that a positioning component is incorporated into a glove or a mitt, as included in claim 1 of the '507 Patent. Also, amended claim 16 has a limitation related to the forming of a loop by folding a strap second end portion substantially transversely over and onto a strap intermediate portion, which is not present in either of claims 1 and 2 of the '507 Patent. Accordingly, the Applicant respectfully submits that claim 16, and claim 19 from which it depends, constitute a different invention from the invention claimed in the '507 Patent. Therefore, the Applicant respectfully requests that the rejection of claims 16 and 19 be withdrawn.

It is respectfully submitted that when the rejection of the claims is reviewed in light of Applicant's arguments, the invention without a doubt should be considered patentably

distinguished over the currently applied references. It is now believed the above application is in order for Allowance and such action would be appreciated.

Very Respectfully submitted.



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